(U9)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 746 of 2003

PETITIONERS : Badri Prasad, aged 70 years, S/o Bhag Prasad, Caste-Kesharwani, R/o Bhogahapara, Sheorinarayan, Tahsil Sheorinarayan, District Janjgir-Champa (C.G.). (Since deceased) through:-

1. Mangal Ram, aged 55 years,
2. Anil Kumar aged 43 years,
3. Arun Kumar aged 41 years,
4. Bablu Ram, aged 29 years,

All the applicant from 1 to 4 are S/o Badri Prasad, Occupation Business, R/o Shivri Narayan, Tahsil Navagarh, District Janjgir-Champa (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, through Collector, District Janjgir-Champa (C.G.)

2. Deepak Kumar, S/o Balaram, aged 35 years, Caste-Kesharwani, R/o Sheorinarayan, Tahsil Sheorinarayan, District Janjgir-Champa.
3. Chandrika Prasad, S/o Muritram, aged 51 years.
4. Kedarnath, S/o Muritram Kesharwani, aged 45 years, R/o Bhogahapara, Sheorinaryan.
5. Mohar Bai, W/o Balram Kesharani, aged 53 years, R/o Mahantpara, Sheorinarayan.
6. Heeralal, S/o Jivanlal, aged 35 years, R/o Sukulpara, Kharaud.
7. Ramkali Bai, W/o Hari Kesharwani, aged 45 years, R/o Saragaon, Tahsil-Champa, District Janjgir-Champa.
8. Shail Kumari, W/o Rameshwar Prasad Kesharwani, aged 42 years, R/o Nawagarh, Tahsil Nawagarh, District Janjgir-Champa.
9. Heera Kumari, W/o Shri Kumar Kesharwani, aged 35 years, R/o Sirpur, Tahsil Bilaigarh, District Raipur, presently residing at Budhwari Bazar, Korba.
10. Shrawan Kumar, S/o Mohan Lal Agrawal, aged 30 years, R/o Bhogahapara, Tahsil Sheorinarayan, District Janjgir-Champa.
11. Prahlad Kumar, S/o Mohan Lal, aged 21 years, R/o Bhogahapara, Tahsil Sheorinarayan, District Janjgir-Champa.
12. Jaitram, S/o Mahettar Aditya, aged 50 years,

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R/o Barra, Tahsil Nawagarh, District Janjgir-Champa.

13. Balram, S/o Mahetar Aditya, aged 45 years, R/o Barra, Tahsil Nawagarh, District Janjgir-Champa.

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA.

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Rajiv Shrivastava, Advocate for the petitioners.
Shri Satish Gupta, Dy. Govt. Advocate for the State/respondent No. 1.
Shri Awadh Tripathi, Advocate for respondent no. 2.

ORDER
(Passed on 30th day of April, 2007)

1. Learned counsel appearing for the petitioners submits that the matter may be disposed of with a direction to the learned trial court to consider and decide the pending suit within a reasonable time, to which the learned counsel appearing for respondent no. 1 and 2 have no objection.

2. Despite notice, other respondents have chosen not to appear in the matter.

3. Learned counsel appearing for the petitioner further submits that the impugned order dated 29.01.2002 may be modified to the extent that the partition proceedings may go on but final orders shall not be passed till the final disposal of the civil suit No. 175-A/2001 pending before the Court of Civil Judge, Class II, Janjgir, now transferred to Nawagarh, to which the learned counsel appearing for the respondents 1 and 2 have no objection. It is ordered accordingly.

4. The pending civil suit No. 175-A/2001 may be decided expeditiously, as early as possible, preferably within a period of three months.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit